

AN ORDINANCE **97173**

ESTABLISHING INTERIM DEVELOPMENT CONTROLS IN AREAS ANNEXED JANUARY 5, 2003 BY THE CITY OF SAN ANTONIO FOR LIMITED PURPOSES; TEMPORARILY RESTRICTING THE POWER OF A LANDOWNER TO FILE AN APPLICATION FOR A PERMIT, AS THAT TERM IS DEFINED IN CHAPTER 245 OF THE TEXAS LOCAL GOVERNMENT CODE, FOR A 180-DAY PERIOD PENDING CONSIDERATION AND ADOPTION OF A COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS NECESSARY TO IMPLEMENT THAT PLAN FOR THE ANNEXED AREA; AND ESTABLISHING AN APPEAL AND WAIVER PROCESS FOR THOSE ADVERSELY AFFECTED BY THIS ORDINANCE; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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WHEREAS, the City Council annexed six areas for limited purposes effective on January 5, 2003; and

WHEREAS, the City is developing plans required by statute for the areas annexed for limited purposes; and

WHEREAS, the Urban Land Institute has conducted various studies of potential land uses in portions of the annexed areas, and the release of its report is expected to occur within the next few weeks; and

WHEREAS, the Texas A & M University System has announced plans to develop a campus in the annexed area; and

WHEREAS, Toyota Motor Manufacturing North America has announced plans to develop an automobile manufacturing facility in the annexed area; and

WHEREAS, because of these newly announced development plans by Texas A & M and Toyota, the City Council anticipates substantial additional development will take place in the annexed areas; and

WHEREAS, officials working on city planning efforts have anticipated it will require up to 180 days to complete the work and to present the new proposals to the Planning Commission, Zoning Commission, and the City Council for consideration and adoption; and

WHEREAS, the City Council wishes to preserve the status quo as it considers planning proposals to ensure development in the annexed areas is consistent with enhancing the quality of life, preserving desirable aesthetic features, and controlling both the rate and character of community growth through the careful and orderly development of property within the area and not allow development activities which may have an adverse effect and which may subsequently be regulated; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. As used herein, the term “areas annexed for limited purpose” means the areas annexed by the City of San Antonio effective January 5, 2003 by Ordinances 96557, 96558, 96559, 96560, 96561, and 96562 (“the Ordinances”). Further, as used herein, the term “permit” has the same meaning as set out at Section 245.001 of the Texas Local Government Code. Attached hereto and incorporated herein for all purposes are copies of the Ordinances with complete descriptions of the areas annexed.

SECTION 2. During the period this ordinance is in effect, no application for zoning or rezoning of property located within the areas annexed for limited purposes shall be accepted by the City. An application for zoning or rezoning filed before the effective date of this ordinance is not subject to this restriction.

SECTION 3. During the period this ordinance is in effect, no application for approval of a subdivision plat or replat of property located within the areas annexed for limited purposes shall be accepted by the City. An application for platting or replatting approval filed before the effective date of this ordinance is not subject to this restriction.

SECTION 4. During the period this ordinance is in effect, no application for approval of a development plan for property located within the areas annexed for limited purposes shall be accepted by the City. An application for development plan approval filed before the effective date of this ordinance is not subject to this restriction.

SECTION 5. During the period this ordinance is in effect, no new application for any other permit or license shall be accepted by the City, or, to the extent allowed by law, by any utility or agency of the City, that would alter the status quo or confer vested rights under any statute, ordinance or at common law. An application for any other permit or license filed before the effective date of this ordinance is not subject to this restriction.

SECTION 6. Nothing in this ordinance prohibits the filing and receipt of an application for, or issuance of, a permit or license for the repair, modification or expansion of an existing structure such as, but not limited to, an electrical, mechanical or plumbing repair, provided such repair, modification or expansion does not alter the status quo to establish or constitute a new or different use of the property.

SECTION 7. Notwithstanding the other provisions hereof, a landowner adversely affected by the terms of this ordinance may appeal to the City Council and seek a waiver of this ordinance as it applies to development of the landowner’s property. An appeal may be filed by letter mailed or hand-delivered to the City Clerk. The appeal shall be scheduled for consideration at the next available regularly scheduled City Council meeting which will allow compliance with the Texas Open Meetings Act no later than ten working days after the date the appeal is received by the City Clerk. The City Council, after a hearing at which all interested parties shall be afforded an opportunity to be heard, may waive the application of this ordinance to the development of the appellant’s property if the Council finds:

- (a) That appellant has demonstrated that the proposed action, and the development it is a part of, by itself, cumulatively or through a resulting growth pattern, will not have an adverse effect on the areas annexed for limited purposes and that the development is not likely to impair the goals and objectives of the regulations being developed; or
- (b) That appellant has demonstrated that the appellant has:
 - (i) relied upon an act of the City of San Antonio or its agency,
 - (ii) in good faith,
 - (iii) to the applicant's detriment, and
 - (iv) that it would be inequitable to require the applicant to delay development during the time this ordinance is in effect; or
- (c) That the appellant has demonstrated with written evidence a vested right under Chapter 245 of the TEXAS LOCAL GOVERNMENT CODE, under the common law, or from an action of an authorized representative of City of San Antonio.

SECTION 8. The granting of an appeal by Council as set out in Section 7, above, only allows the appellant to submit the application for the permit or license in question. The granting of an appeal by Council does not constitute either an approval or any other ruling on the underlying permit or license.

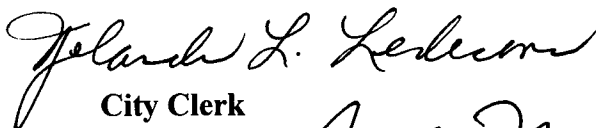
SECTION 9. The provisions of this ordinance shall be effective only until 11:59 o'clock, p.m. Central Daylight Time, August 5, 2003; provided, however, that this ordinance may be repealed before August 5, 2003, if the planning studies are completed and approved by the Council and the Council adopts regulations to implement the plan at an earlier date.


SECTION 10. This ordinance shall be immediately effective upon the affirmative vote of eight (8) or more members of the City Council. Otherwise it shall be effective the 16th day of February 2003

PASSED AND APPROVED this 6th day of February 2003.



M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney